

## **RESOLUTION NO. 1045**

**A RESOLUTION POSTPONING THE ELECTION ORDERED IN RESOLUTION NUMBER 1042, PRESERVING CANDIDATE FILINGS, AND REPEALING CONFLICTING RESOLUTIONS, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** THE City of Vernon is a home rule municipality located in Wilbarger County, Texas, operating pursuant to the City Charter and enabling legislation of the State of Texas; and

**WHEREAS,** the City Council of the City of Vernon previously passed Resolution Number 1042, ordering that a General Election be held on May 2, 2020, a uniform election date per Texas law, for the purpose of electing a Mayor, one City Commissioner for Precinct 1, one City Commissioner for Precinct 2, and

**WHEREAS,** elections in Texas must be held on a uniform election date per state law; and

**WHEREAS,** on March 13, 2020, the Governor of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and declared a state of disaster for all counties in Texas; and

**WHEREAS,** on March 18, 2020, the Governor of Texas issued a Proclamation to suspend various statutes to allow political subdivisions of the state that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 to the next uniform election date, occurring on November 3, 2020; and

**WHEREAS,** the Texas Secretary of State has issued, pursuant to the Proclamation of March 18, 2020, Election Advisory No. 2020-12, to provide guidance to local political subdivisions regarding issues raised by the Proclamation, and

**WHEREAS,** federal, state, and local officials have determined that the spread of COVID-19 can be slowed by avoiding bringing people together, and the City Council hereby finds that the holding of the general election might cause physical danger of infection to voters, election officials, and election volunteers; and

**WHEREAS,** because of the public health crisis, and in order to protect the health and safety of voters, the election officials, and election volunteers, the City Council therefore wishes to exercise the authority granted to it in the Proclamation of March 18, 2020 to postpone the election previously called by it to be held on May 2, 2020,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VERNON, TEXAS:**

**SECTION 1.**

A. Pursuant to the authority granted in the Proclamation of March 18, 2020, the general election ordered to be held on May 2, 2020 by Resolution No. 1042 is hereby postponed until the next uniform election date, November 3, 2020.

B. Candidate filings for the May 2 election will remain valid for the November 3 election. This postponement does not reopen candidate filings for the Mayor and 2 council places.

C. All matters and dates relevant to the November 3, 2020 elections, such as voter registration deadlines, applications for ballots by mail and dates for early voting shall be as provided by Texas law and Election Advisory 2020-12.

D. The Council will, by subsequent action, amend Resolution No. 1042 to comply with state law regarding early voting location, dates and hours, and any other changes caused by postponing this election to November 3, 2020.

**SECTION 2.**

**Conflict Clause**

This ordinance shall be cumulative of all provisions of the City of Vernon, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

**SECTION 3.**

**Severability Clause**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if a phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of the unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 4.**

**Savings Clause**

All rights and remedies of the City of Vernon are expressly saved as to any and all violations of the provisions of any ordinances which have accrued as of the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and

criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

#### **SECTION 5.**

##### **Open Meetings Compliance**

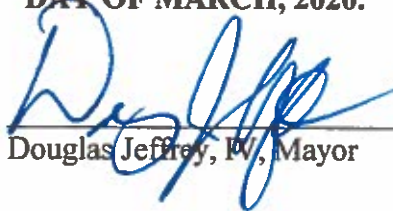
The meeting at which this Ordinance was approved was called and conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

##### **Effective Date**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED ON THIS 24<sup>th</sup> DAY OF MARCH, 2020.**



  
Douglas Jeffrey, IV, Mayor

ATTEST:

  
Marsha Jo Stone, City Secretary